

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GIOVANNI KOHLER KURTZE,
Petitioner,
v.
CALVIN JOHNSON, et al.,
Respondents.

Case No. 2:20-cv-01830-GMN-NJK

ORDER

This is a habeas corpus action under 28 U.S.C. § 2254. Petitioner Giovanni Kohler Kurtze has filed an application to proceed in forma pauperis (ECF No. 1) and a petition for a writ of habeas corpus. The court finds that Kurtze is unable to pay the filing fee. The court has reviewed the petition under Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts. Kurtze will need to file an amended petition.

Kurtze used this court's habeas corpus petition form. The form contains 9 pages. However, Kurtze sent the court only the first 7 pages. This is important because under 28 U.S.C. § 2242 and Rule 2(c)(5) of the Rules Governing Section 2254 Cases in the United States District Courts Kurtze must sign the petition under penalty of perjury. By omitting the last 2 pages of the petition form, Kurtze has not signed and verified the petition. The court will give him the opportunity to correct this defect.

1 IT THEREFORE IS ORDERED that the application to proceed in forma pauperis (ECF
2 No. 1) is **GRANTED**. Petitioner need not pay the filing fee of five dollars (\$5.00).

3 IT FURTHER IS ORDERED that the clerk of the court shall file the petition for a writ of
4 habeas corpus pursuant to 28 U.S.C. § 2254.

5 IT FURTHER IS ORDERED that the clerk of the court shall send petitioner a petition for
6 a writ of habeas corpus pursuant to 28 U.S.C. § 2254 form with instructions. Petitioner shall have
7 thirty (30) days from the date that this order is entered in which to file an amended petition to
8 correct the noted defect. Neither the foregoing deadline nor any extension thereof signifies or
9 will signify any implied finding of a basis for tolling during the time period established.
10 Petitioner at all times remains responsible for calculating the running of the federal limitation
11 period under 28 U.S.C. § 2244(d)(1) and timely asserting claims. Failure to comply with this
12 order will result in the dismissal of this action.

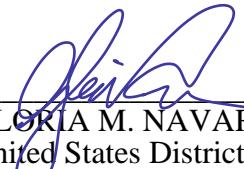
13 IT FURTHER IS ORDERED that petitioner shall clearly title the amended petition as
14 such by placing the word "AMENDED" immediately above "Petition for a Writ of Habeas
15 Corpus Pursuant to 28 U.S.C. § 2254" on page 1 in the caption, and petitioner shall place the case
16 number, 2:20-cv-01830-GMN-NJK, above the word "AMENDED."

17 IT FURTHER IS ORDERED that the clerk shall add Aaron Ford, Attorney General for
18 the State of Nevada, as counsel for respondents.

19 IT FURTHER IS ORDERED that respondents' counsel must enter a notice of appearance
20 within twenty-one (21) days of entry of this order, but no further response will be required from
21 respondents until further order of the court.

22 IT FURTHER IS ORDERED that the clerk shall provide copies of this order and all prior
23 filings to both the Attorney General and the Federal Public Defender in a manner consistent with
24 the clerk's current practice, such as regeneration of notices of electronic filing.

25 DATED: [November 5, 2020](#)


26 GLORIA M. NAVARRO
27 United States District Judge
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